A revised declaration will be submitted, and the examiner is requested to hold this requirement in abeyance.

In connection with the rejection of the claims under 35 USC 112, first and second paragraphs, the claims have been amended to recite the additional method step of adding a physiological fluid to a chamber of the processing unit. Thus, the claims are now proper method claims. As well, the errors noted in claims 39, 42, and 47 have been corrected.

It is respectfully submitted that the system taught by Raccuglia is quite different and far more complicated than the method disclosed and claimed herein. A significant difference lies in the arrangement of the two chambers. In the Raccuglia system, the two chambers are arranged with one on top of the other, whereas in the system of the invention, the chambers are side by side. The arrangement of the Raccuglia system means that the fluids can be transferred only by the use of a valve system, which complicates the structure. The system of the invention, however, transfers fluids as a function of the orientation of the container, which makes the container itself much simpler and easier to manufacture. Nothing in any of the references would have led one of ordinary skill in the art to modify the system of Raccuglia to result in the invention recited in the claims.

The claims have also been rejected over the Li, McFarland, Crippa, and Onishi references. The closest reference appears to be the Crippa patent, but this does not show or suggest a method of using a container that is capable of maintaining sterility of the chambers during addition or removal of liquids. None of the references, either alone or in combination, suggests the concept of side-by-side chambers that communicate at their tops and that are always sterile. Thus, even if the Crippa device can be said to be sterile in the beginning, it loses its

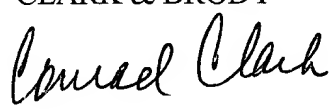
sterility as soon as the lid is opened to add fluids. In contrast, the device of the invention is designed to maintain sterility even during use.

The indication of allowable subject matter is noted with appreciation.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned if any matter remains outstanding.

All necessary extensions of time are requested. Please charge any necessary fees and credit any excess to deposit account 50-1088.

Respectfully Submitted,
CLARK & BRODY



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February 28, 2003

PTO/SB/53 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT

Docket Number (Optional): 70869-0089

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s): John R. Wells, Steven M. Cann

Patent Number: 5,895,346

Date Patent Issued: April 20, 1999

Title of: Automatic Multiple-Decanting Centrifuge

1. ☒ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)

2. ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are Harvest Technologies Corporation, and the assignee(s) consents to the accompanying application for reissue.

Name of assignee/inventor (if not assigned)

Harvest Technologies Corporation

Signature: Wesley H. Verkaart

Date: 2/28/03

Typed or printed name and title of person signing for assignee (if assigned)

Wesley H. Verkaart, Co-Founder

PTO/SB/96 (2-98)
Approved for use through 09/30/2000, OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant: **WELLS, et al**

Application No.: **09/838,300** Filed: **April 20, 2001**

Entitled: **Automatic Multiple-Decanting Centrifuge**

Harvest Technologies Corporation, a **corporation**

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. [☑] the assignee of the entire right, title, and interest; or

2. [ ] an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [√] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: **Steven M. Gunn** To: **John R. Wells**
The document was recorded in the Patent and Trademark Office at
Reel **8633**, Frame **0864**, or for which a copy thereof is attached.

2. From: **Lin A. Jakary (legal heir to John R. Wells)** To: **Harvest Technologies Corporation**
The document was recorded in the Patent and Trademark Office at
Reel **011044**, Frame **0455**, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[√] Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

2/28/03
Date

Wesley H. Verkaart
Signature

Wesley H. Verkaart
Typed or printed name

Co-Founder
Title

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Wells et al.	
	Art Unit: 1723
Serial No.: 09/838,300	
	Examiner: Cooley, Charles
Filed: April 20, 2001	
For: AUTOMATIC MULTIPLE-DECANTING CENTRIFUGE	

MARKED UP CLAIMS

32 (Amended) A method for treating physiological products, comprising:

providing a centrifuge;

providing a container having at least a first chamber and [a] **an adjacent** second chamber, wherein each of the first and second chambers [have] **has** a top portion, a bottom portion and a set of walls, wherein the top portions of the first chamber and second chamber are **adjacent each other and** connected by a bridge for transferring fluid therebetween **when said container is in a predetermined orientation**; [and]

providing a holder assembly attached to the centrifuge and effective to removably receive the container, wherein the holder assembly is effective to [position] **orient** the container in [one or more] **said** predetermined [positions] **orientation; and**

placing a physiological product in one of said chambers.

33. (Amended) The method of claim 32, wherein the chambers include [removable] lid portions, thereby forming a closed container.

34. The method of claim 33 wherein at least one of the chambers includes an access port for transference of a liquid.

35. (Amended) In a method of treating physiological fluids, the improvement comprising providing a container

adapted to contain said fluids during treatment, wherein said container comprises:

at least a first chamber having a **first** top portion, a **first** bottom portion and a first set of walls;

a second chamber having a second top portion, a second bottom portion and a second set of walls;

[and] a bridge connecting [the] **said first** top portion of the first chamber and [the] **said second** top portion of the second chamber, such that a [substance] **fluid** can be transferred from the first chamber to the second chamber while the container is positioned at a predetermined angle**, and means for maintaining sterility of said first and second chambers during addition or removal of fluids to said chambers, and**

placing a physiological fluid in one of said chambers.

36. (Amended) The method of claim 35, wherein the chambers include a [removable] lid portion.

37. The method of claim 36, wherein at least one of the chambers includes an access port for transference of a liquid.

38. (Amended) A method for treating physiological products and maintaining sterility of said products during said treating comprising:

providing a container having a plurality of closed, sterile fluid-receiving chambers, a bridge forming a fluid path allowing fluid communication between a first of said chambers and a second of said chambers when said container is in a predetermined orientation, and at least one access port allowing access to at least one of said chambers to maintain sterility, [and]

providing a centrifuge having a holder removably receiving said container and allowing said container to assume a first orientation wherein a physiological product in one of said chambers is subjected to centrifugation and said predetermined orientation wherein fluid in said first of said chambers flows along said fluid path to said second of said chambers**, and**

placing a physiological product in one of said chambers.

39. (Amended) A method according to claim 38 wherein said holder comprises a frame pivotally mounted to a **rotor of said** centrifuge [rotor].

40. A method according to claim 38 wherein said centrifuge further comprises a movable locking plate that is movable between free and locking positions, wherein said plate allows said container to assume said first orientation when in said free position and holds said container in said predetermined position when in said locking position.

41. A method according to claim 40 wherein said centrifuge further comprises an electromagnet for moving said locking plate to one of said locking and free positions.

42. (Amended) A method according to claim 38 wherein said holder comprises a frame pivotally mounted to a **rotor of said** centrifuge [rotor], and said centrifuge further comprises a movable locking plate that is movable between free and locking positions, wherein said plate engages said frame to allow said container to assume said first orientation when in said free position and to hold said container in said predetermined position when in said locking position

43. (Amended) In a method of treating physiological fluids, the improvement comprising providing a container adapted to contain said fluids during treatment, wherein said container comprises a base forming a plurality of sterile chambers, each of said chambers having a bottom and a top, a bridge connecting at least two of said chambers and arranged to provide a sterile fluid channel from a first of said at least two sterile chambers to a second of said at least two sterile chambers when said container is in a predetermined orientation, a lid closing said top of each of said plurality of chambers, and access ports that provide access to the chambers while maintaining sterility, **and placing a physiological fluid in one of said plurality of sterile chambers.**

add access ports on the lid

44. A method according to claim 43 wherein said plurality of sterile chambers and said bridge comprise a molded base part.

45. A method according to claim 44 wherein said container is substantially rigid.

46. A method according to claim 43 wherein said container further comprises a separation disk in one of said chambers.

47. (Amended) A [container] **method** according to claim 43 wherein said plurality of chambers comprise first

and second adjacent chambers having adjacent sidewalls and said bridge is formed at the tops of said adjacent sidewalls.

48. (New) A method for centrifuging substances comprising: providing a unitary container having a plurality of chambers therein for receiving substances to be centrifuged; placing one or more substances into said container; rotating said container to subject said substance to centrifugation; and locking said container in a predetermined position to allow a supernatant to be transferred from one chamber to another chamber by gravity.